

SCOTT PHILLIPS, AS GUARDIAN AD
LITEM, ON BEHALF OF S.P., B.P. and
K.P. and SCOTT PHILLIPS,

Plaintiff,

v.

**THE CHURCH DEFENDANTS’
NOTICE OF MOTION FOR PARTIAL
SUMMARY JUDGMENT DISMISSING
COUNT ONE OF PLAINTIFF’S
COMPLAINT PURSUANT TO FED. R.
CIV. P. 56 AND L. CIV. R. 56.1**

Motion Hearing Date: March 16, 2020

Oral Argument Requested

JONATHON KREINBERG, PETER :
 RUNFOLO, JOYCE RUNFOLO, RICH :
 HARRINGTON, KELLY DONOVAN, :
 JEANNIE PAVLIK, MATTHEW PAVLIK, :
 JAMES PAVLIK, MARYANN GASPER, :
 THERESA ADUBATO, HEATHER :
 INGERSON, MARIA HARRIS, HEATHER :
 ST JOHN, YANCY MUNOZ, KATHLEEN :
 SPOONAUER, CELIA SOUSA, EILEEN :
 KELLY-O'BRIEN, VICTORIA DEVLIN, :
 ROSEMARY RUBSAM, ROSANELLY :
 MONTALVO, GERRI COLON, LAURIE :
 GRIMES, MICHELLE CERNADAS, :
 JOSEPH KRATZER JR., NATALIE :
 WOOD, PATRICIA LANDAU, AMY :
 REITHEL, ANN FERRARI, CYNTHIA :
 GAILLIOT, BERADINE GILRAIN, :
 BONNY HOTRA, BLANCA PASTORE, :
 IZAIDA ROSA GARBANZO, JO RIVERA, :
 DENISE, RICHARD, JOSEPH, JESSICA, :
 NICHOLAS MIRABELLA, JOCELYN :
 EDRALIN, MANUEL VAGUEIRO, KERRI :
 KILLEN, JO ANN NETTA, NANCY :
 ZIMMERMAN, MARIA STREKO, ROCIO :
 CORVALAN, CHRISTINA RESTUCCIA, :
 MICHAEL DEVLIN, GUILLERMO :
 MUNOZ, DEBORAH GIVENS/MATE, :
 KAREN ZIMMERMAN, JIM HANNON, :
 ALICE SCALA, EMILY VIDAL, MARY :
 GAINES, SUSAN GIORDINO, :
 ROSEANNE SCHUR, ANGELA :
 LOMBARDI, ROGER SCHUR, MICHAEL :
 MONTALVO, JEFF FERRARI, WILLIAM :
 GORSKI, ROGER STRYESKI, THOMAS :
 BRACKEN, FRED SOOS, SUSAN :
 DOUGHERTY, MICHELE MILLER, ANN :
 MORTIMER, TRISH RICKEN :
 PLUMMER, ANDREA ZAGORSKI :
 SCHUSTER, MARIA BUI, AMY ROSE, :
 KELLY ANN HARRIS, PATRICIA RIMILI :
 BLICHARZ, "BCSH9094", "STDA" AND :
 "BEEZLEBROX", :

Defendants.

TO: Susan B. McCrea, Esq.
LAW OFFICES OF SUSAN B. MCCREA
24 Prospect Street
West Field, New Jersey 07080
Attorneys for Plaintiffs

PLEASE TAKE NOTICE that on Monday, March 16, 2020, at 10:00 in the forenoon or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendants Roman Catholic Archdiocese of Newark (i.p.a. “Archdiocese of Newark”), St. Theresa’s R.C. Church (i.p.a. “St. Theresa School”), Joseph W. Cardinal Tobin (i.p.a. “Cardinal Joseph Tobin”), Rev. Msgr. Thomas P. Nydegger, V.G. (i.p.a. “Msgr. Nydegger”), Dr. Margaret Dames, James Goodness, Father Joseph Bejgrowicz, Deacon Joseph Caporaso (i.p.a. “Joseph Caporoso”), Sister Helene Godin, Richard Donovan, and Anh Bui (collectively, the “Church Defendants”) shall move before the Hon. Madeline Cox Arleo, U.S.D.J., at the Martin Luther King, Jr. Federal Building & U. S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102, for an Order: (a) Dismissing with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) and 56 (a-f) and L. Civ. R. 56.1(a) that portion of Count One of the Complaint filed by Plaintiff Scott Phillips, as guardian ad litem on behalf of S.P., B.P. and K.P. (as to any claim therein raised under the Title IX, 20 U.S.C. § 1681-83) (“Title IX”), for failure to state a claim upon which relief may be granted; (b) granting partial summary judgment dismissing the federal Title IX claim allegedly raised in Count One of the Complaint pursuant to Fed. R. Civ. P. 56 (a-f) and L. Civ. R. 56.1(a); and (c) Granting such other and further relief as the Court deems equitable, just and proper.

PLEASE TAKE FURTHER NOTICE that in support of the within Motion, the Church Defendants shall rely upon their Supporting Brief and the Supporting Declaration of Brian H. Fenlon.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is annexed hereto.

CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.
Attorneys for Defendants
Roman Catholic Archdiocese of Newark (i.p.a.
“Archdiocese of Newark”), St. Theresa’s R.C.
Church (i.p.a. “St. Theresa School”), Joseph W.
Cardinal Tobin (i.p.a. “Cardinal Joseph Tobin”), Rev.
Msgr. Thomas P. Nydegger, V.G. (“i.p.a. Msgr.
Nydegger”), Dr. Margaret Dames, James Goodness,
Father Joseph Bejgrowicz, Deacon Joseph Caporaso
(i.p.a. “Joseph Caporoso”), Sister Helene Godin,
Richard Donovan, and Anh Bui

By: /s/ Christopher H. Westrick
CHRISTOPHER H. WESTRICK

Dated: February 21, 2020

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